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SENATE MEMORIAL 34

**48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

INTRODUCED BY

Carlos R. Cisneros

A MEMORIAL

REQUESTING THAT A COOPERATIVE EFFORT BE MADE BY THE DEPARTMENT OF TRANSPORTATION, LOCAL GOVERNMENTS, PRIVATE AND PUBLIC UTILITY COMPANIES AND OTHER AFFECTED JURISDICTIONS TO COMPLETE A STUDY TO DEVELOP OPTIONS AND RECOMMENDATIONS TO FACILITATE TIMELY RELOCATION OF UTILITIES WITHIN PUBLIC RIGHTS OF WAY THAT WOULD BE OF MUTUAL BENEFIT TO PUBLIC AGENCIES AND ALL UTILITIES IN MINIMIZING COSTS AND DISRUPTION OF SERVICES DUE TO HIGHWAY CONSTRUCTION PROJECTS.

WHEREAS, it is important that utility companies, the department of transportation, the New Mexico association of counties, the New Mexico municipal league, local governments, tribal governments and other public jurisdictions cooperate and coordinate in the planning and construction of road projects to minimize or eliminate the need for utility relocation to the

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1 greatest extent possible, thereby reducing the impact on the  
2 timely delivery and completion of construction projects and the  
3 impact on existing utility facilities; and

4 WHEREAS, utility companies that provide gas, electricity,  
5 water and telephone services are critical components of New  
6 Mexico's present and future economy; and

7 WHEREAS, the maintenance and construction of interstates,  
8 other highways and local roads are a critical component of the  
9 mobility of goods and services at the state and national levels  
10 and also a primary driver of New Mexico's present and future  
11 economy; and

12 WHEREAS, utility companies are typically obligated to  
13 relocate their facilities located in public rights of way in a  
14 timely manner and with advanced notice to make way for  
15 construction of roads and other improvements; and

16 WHEREAS, a utility company often is obligated to bear all  
17 of the costs of the relocation of its facilities within public  
18 rights of way as required by permit for the benefit of use of  
19 public rights of way; and

20 WHEREAS, the department of transportation, local  
21 governments and tribal governments are often faced with  
22 increased construction costs and project delays due to untimely  
23 relocation of utility facilities located in public rights of  
24 way;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

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1 OF NEW MEXICO that utility companies, the department of  
2 transportation, the New Mexico association of counties, the New  
3 Mexico municipal league, tribal governments, local governments  
4 and other public jurisdictions be requested to complete a study  
5 to develop options and recommendations to facilitate timely  
6 relocation of utility facilities located within public rights  
7 of way that would be of mutual benefit to public agencies and  
8 utilities in minimizing costs, disruption of services and  
9 project delays in highway construction activities; and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the New Mexico association of counties; the New  
12 Mexico municipal league; the governor of each of the nineteen  
13 pueblos in New Mexico; the presidents of the Navajo Nation, the  
14 Jicarilla Apache Nation, the Mescalero Apache Tribe and the Ute  
15 Mountain Ute Tribe; the secretary of transportation; and the  
16 governor of New Mexico.